

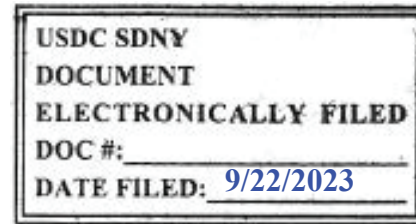
## U.S. Department of Labor

Office of the Solicitor  
201 Varick Street, Room 983

September 22, 2023

Via ECF

Hon. Jennifer H. Rearden, U.S. District Judge  
U.S. District Court for the Southern District of New York  
500 Pearl Street, Room 1010  
New York, NY 10007



Re: *Acting Secretary of Labor v. MBB Services Inc. d/b/a MBB 1881 Tremont et al.*,  
No. 22-cv-02206-JHR-RWL

Dear Judge Rearden:

On behalf of the Plaintiff, Acting Secretary of Labor, we write jointly with Defendants in the above-captioned action to respectfully request that the Court hold in abeyance Defendants' motion dated November 14, 2022 (ECF No. 40), pending the outcome of an upcoming settlement conference with Magistrate Judge Lehrburger.

As the Court is aware, Magistrate Judge Lehrburger recently granted the parties' joint request for a settlement conference and stay of all pre-trial deadlines, finding that the requested stay serves the ends of justice and judicial efficiency. ECF Nos. 89, 90. Pursuant to Judge Lehrburger's order, the parties are in the process of conferring on dates for a settlement conference in November.

The parties understand that this action has been referred to Magistrate Judge Lehrburger for general trial purposes, but not including dispositive motions. ECF No. 37 (Order of Reference by Judge Cronan dated Oct. 28, 2022). Consistent with the scope of the Order of Reference, Judge Lehrburger has specifically ordered that the parties' pending discovery letter motions (ECF Nos. 81 and 85) are held in abeyance pending the settlement conference. In an abundance of caution, the parties now request that this Court also hold in abeyance the pending dispositive motion, ECF No. 40. *See also* ECF No. 89, at 1 n.1 (parties' joint request to Judge Lehrburger for a settlement conference, noting the parties' joint intent to request this stay from the assigned district judge). In further support of this request, the parties note that it will facilitate the parties' settlement discussions if any decision by this Court on the pending motion is held in abeyance at this time, pending the outcome of the settlement conference.

Respectfully submitted,

Jeffrey S. Rogoff, Regional Solicitor

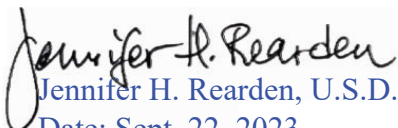
By: s/ Jason Glick  
Jason Glick, Senior Trial Attorney

s/ Jasmine Wade  
Jasmine Wade, Trial Attorney

cc: Defendants' counsel (*via ECF*)

Application GRANTED. Consistent with the stay of this case ordered by Judge Lehrburger, the Court will hold Defendants' motion for judgment on the pleadings or, in the alternative, for partial summary judgment, ECF No. 40, in abeyance pending a settlement conference with Judge Lehrburger.

SO ORDERED.

  
Jennifer H. Rearden, U.S.D.J.  
Date: Sept. 22, 2023